



PIPER RUDNICK ^{LLP}
1200 NINETEENTH STREET, NW
WASHINGTON, DC 20036-2412
TELEPHONE: 202-861-3900
FACSIMILE: 202-223-2085

DOCKET NO.: 3805-016-27 CIP

ASSISTANT COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

Re: Serial No.: 10/609,377
Applicant(s): Mark Edward Kane, et al.
Filing Date: July 1, 2003
For: METHOD AND SYSTEM FOR COMPENSATING FOR WHEEL
WEAR ON A TRAIN
Group Art Unit: 3661
Examiner:

SIR:

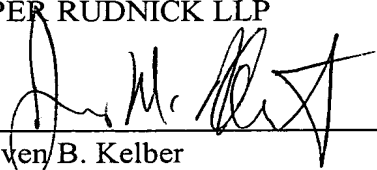
Attached hereto for filing are the following papers:

Information Disclosure Statement
List of Related Cases
Form PTO 1449
Cited Documents (107)

Our check in the amount of \$ 0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary extension of time to make the filing of the attached documents timely, please charge or credit the difference to Deposit Account No. 50-1442. Further, if these papers are not considered timely filed, then a request is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

PIPER RUDNICK LLP



Steven B. Kelber
Attorney of Record
Registration No.: 30,073

James M. Heintz
Registration No. 41,828

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION: Mark Edward KANE, et al.

GROUP ART UNIT: 3661

SERIAL NUMBER: 10/609,377

EXAMINER:

FILED: July 1, 2003

FOR: METHOD AND SYSTEM FOR COMPENSATING FOR WHEEL WEAR ON A TRAIN
INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97

Assistant Commissioner for Patents
PO BOX 1450
ALEXANDRIA, VA 22313-1450

Sir:
Applicant(s) wish(es) to disclose the following information.

REFERENCES

- Applicant(s) wish(es) to make of record the documents listed on the attached Form PTO-1449. Copies of the listed documents are attached, where required, as are either statements of relevancy or any readily available full or partial English translations of any non-English-language documents.

RELATED CASES

- Attached is a list of Applicant's(s') pending applications and issued patents which may be related to the present application. Copies of the documents, where required, are attached along with Form PTO-1449.

CERTIFICATION

The undersigned certifies that

- ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign or international patent office in a counterpart foreign or international application for the first time (to the knowledge of the undersigned, having made reasonable inquiry) not more than three months prior to the filing of this statement.
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign or international patent office in a counterpart foreign or international application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement.

BASIS FOR CONSIDERATION

This Information Disclosure Statement is filed:

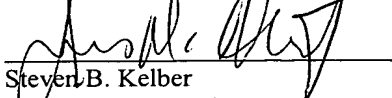
- ☐ without fee and within three months of the filing date of the application.
- ☐ without fee and within three months of the date of entry of the U.S. national stage.
- without fee and before the mailing date of a first Office Action on the merits (to the knowledge of the undersigned).
- ☐ without fee and with the appropriate certification above.
- ☐ without fee and with a new CPA application.
- ☐ without fee and with a Request for Continued Examination.
- ☐ with fee and before the mailing date of any of a Final Office Action, Notice of Allowance or an action that otherwise closes prosecution (to the knowledge of the undersigned).
- ☐ with fee, appropriate certification above, and before payment of the Issue Fee.

DEPOSIT ACCOUNT

- Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to Deposit Account No. 50-1442.

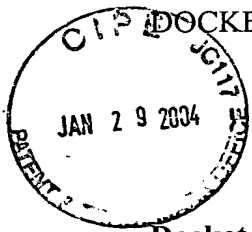
Respectfully submitted,

PIPER RUDNICK LLP


Steven B. Kelber

Attorney of Record
Registration No. 30,073
James M. Heintz
Registration No. 41,828

1200 Nineteenth Street, N.W.
Washington, DC 20036-2412
Telephone No. (202) 861-3900
Facsimile No. (202) 223-2085



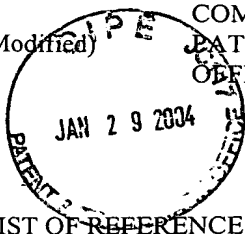
DOCKET NO.: 3805-016-27 CIP*

LIST OF RELATED CASES

Docket Number	Serial or Patent Number	Filing or Issue Date	Status or Patentee
3805-001-27	10/267,959	October 10, 2002	Pending
3805-002-27	10/157,874 US-2003-0225490-A1	May 31, 2002 December 4, 2003	Published
3805-003-27	10/186,426	July 2, 2002	Pending
3805-004-27	6,609,049	August 19, 2003	Patented
3805-006-27	10/440,129	May 19, 2003	Pending
3805-007-27	10/267,962	October 10, 2002	Pending
3805-008-27	10/331,768	December 31, 2002	Pending
3805-009-27	10/300,852	November 21, 2002	Pending
3805-010-27	10/392,850	March 21, 2003	Pending
3805-016-27 CIP*	10/609,377	July 1, 2003	Pending
3805-018-27		September 29, 2003	Pending
3805-021-27	10/611,279	July 2, 2003	Pending
3805-023-27 CONT	10/619,425	July 16, 2003	Pending
3805-025-27 CIP	10/721,227	November 26, 2003	Pending

The cases listed on this Notice of Related Cases include cases which may contain information that is material to patentability. The listing of a case on this Notice should not be taken as an indication or admission that any information contained therein is material. Prior art for each case listed on this Notice may have been cited. **The files corresponding to the listed cases, which are available to the Examiner, may not have not been examined to ascertain the materiality of any prior art therein.** Accordingly, the Examiner is requested to review the file for each case listed on this Notice in order to assess the materiality of such prior art.

*Present application; listed for information.

Form PTO 1449 U.S. DEPARTMENT OF (Modified) COMMERCE PATENT AND TRADEMARK OFFICE  LIST OF REFERENCES CITED BY APPLICANT (Use Several Sheets if Necessary)				DOCKET NO. 3805-016-27 CIP		SERIAL NO. 10/609,377	
				APPLICANT Mark Edward KANE, et al.			
				FILING DATE July 1, 2003		GROUP ART UNIT 3661	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE	
	A	5,129,605	07/14/92	Burns, et al.			
	B	6,459,965	10/01/02	Polivka, et al.			
	C	6,081,769	06/27/00	Curtis			
	D	6,218,961	04/17/01	Gross, et al.			
	E	5,751,569	05/12/98	Metel, et al.			
	F	6,135,396	10/24/00	Whitfield, et al.			
	G	6,397,147	05/28/02	Whithead			
	H	6,374,184	04/16/02	Zahm, et al.			
	I	6,421,587	07/16/02	Diana, et al.			
	J	6,135,396	10/24/00	Whitfield, et al.			
	K	6,459,964	10/01/02	Vu, et al.			
	L	6,377,877	04/23/02	Doner			
	M	6,322,025	11/27/01	Colbert, et al.			
	N	6,311,109	10/30/01	Hawthorne, et al.			
	O	5,828,979	10/27/98	Polivka, et al.			
	P	4,711,418	12/08/87	Aver, Jr., et al.			
	Q	5,867,122	02/02/99	Zahm, et al.			
	R	4,459,668	07/10/84	Inoue, et al.			
	S	6,102,340	08/15/00	Peek, et al.			
	T	5,533,695	07/09/96	Heggestad, et al.			
	U	5,452,870	09/26/95	Heggestad			
	V	5,340,062	08/23/94	Heggestad			
	W	5,950,966	09/14/99	Hungate, et al.			
	X	5,398,894	03/21/95	Pascoe			
EXAMINER					DATE CONSIDERED		
*EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.							

Form PTO 1449 U.S. DEPARTMENT OF
COMMERCE
(Modified) PATENT AND TRADEMARK
OFFICE

LIST OF REFERENCES CITED BY APPLICANT
(Use Several Sheets if Necessary)

DOCKET NO.

3805-016-27 CIP

SERIAL NO.

10/609,377

APPLICANT

Mark Edward KANE, et al.

FILING DATE

July 1, 2003

GROUP ART UNIT

3661

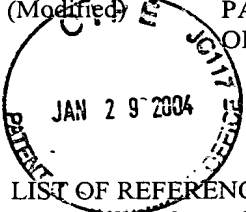
U.S. PATENT DOCUMENTS

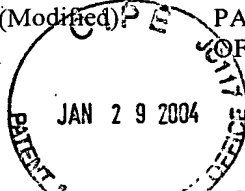
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	Y	6,049,745	04/11/00	Douglas et al.			
	Z	4,181,943	01/01/80	Mercer, Sr. et al.			
	AA	4,561,057	12/24/85	Haley, Jr. et al.			
	AB	5,072,900	12/17/91	Malon			
	AC	5,177,685	01/05/93	Davis et al.			
	AD	5,332,180	07/26/94	Peterson et al.			
	AE	5,364,047	11/15/94	Petit et al.			
	AF	5,394,333	02/28/95	Kao			
	AG	5,620,155	04/15/97	Michalek			
	AH	5,699,986	12/23/97	Welk			
	AI	5,740,547	04/14/98	Kull et al.			
	AJ	5,978,718	11/02/99	Kull			
	AK	5,995,881	11/30/99	Kull			
	AL	5,803,411	09/08/98	Ackerman et al.			
	AM	5,944,768	08/31/99	Ito et al.			
	AN	6,179,252 B1	01/30/01	Roop et al.			
	AO	6,345,233 B1	02/05/02	Erick			
	AP	6,371,416 B1	04/16/02	Hawthorne			
	AQ	6,373,403 B1	04/16/02	Korver et al.			
	AR	6,456,937 B1	09/24/02	Doner et al.			
	AS	6,487,478 B1	11/26/02	Azzaro et al.			
	AT	6,112,142	08/29/00	Shockley, et al.			
	AU	6,609,049	08/19/03	Kane, et al.			

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

Form PTO 1449 U.S. DEPARTMENT OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE 		DOCKET NO. 3805-016-27 CIP	SERIAL NO. 10/609,377
LIST OF REFERENCES CITED BY APPLICANT (Use Several Sheets if Necessary)		APPLICANT Mark Edward KANE, et al.	
		FILING DATE July 1, 2003	GROUP ART UNIT 3661
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)			
	AV	"Testimony of Jolene M. Molitoris, Federal Railroad Administrator, U.S. Department of Transportation before the House Committee on Transportation and Infrastructure Subcommittee on Railroads", Federal Railroad Administration, United States Department of Transportation, April 1, 1998.	
	AW	"System Architecture, ATCS Specification 100", May 1995.	
	BA	"A New World for Communications & Signaling", Progressive Railroading, May 1986.	
	BB	"Advanced Train Control Gain Momentum", Progressive Railroading, March 1986.	
	BC	"Railroads Take High Tech in Stride", Progressive Railroading, May 1985.	
	BD	Lyle, Denise, "Positive Train Control on CSXT", Railway Fuel and Operating Officers Association, Annual Proceedings, 2000.	
	BE	Lindsey, Ron A., "C B T M, Communications Based Train Management", Railway Fuel and Operating Officers Association, Annual Proceedings, 1999.	
	BF	Moody, Howard G, "Advanced Train Control Systems A System to Manage Railroad Operations", Railway Fuel and Operating Officers Association, Annual Proceedings, 1993.	
	BG	Ruegg, G.A., "Advanced Train Control Systems ATCS", Railway Fuel and Operating Officers Association, Annual Proceedings, 1986.	
	BH	Malone, Frank, "The Gaps Start to Close" Progressive Railroading, May 1987.	
	BI	"On the Threshold of ATCS", Progressive Railroading, December 1987.	
	BJ	"CP Advances in Train Control", Progressive Railroading, September 1987.	
	BK	"Communications/Signaling: Vital for dramatic railroad advances", Progressive Railroading, May 1988.	
	BL	"ATCS's System Engineer", Progressive Railroading, July 1988.	
	BN	"The Electronic Railroad Emerges", Progressive Railroading, May 1989.	
	BM	"C ³ Comes to the Railroads", Progressive Railroading, September 1989.	
	BO	"ATCS on Verge of Implementation", Progressive Railroading, December 1989.	
	BP	"ATCS Evolving on Railroads", Progressive Railroading, December 1992.	
	BQ	"High Tech Advances Keep Railroads Rolling", Progressive Railroading, May 1994.	
	BR	"FRA Promotes Technology to Avoid Train-To-Train Collisions", Progressive Railroading, August 1994.	
	BS	"ATCS Moving slowly but Steadily from Lab for Field", Progressive Railroading, December 1994.	
	BT	Judge, T., "Electronic Advances Keeping Railroads Rolling", Progressive Railroading, June 1995.	
	BU	"Electronic Advances Improve How Railroads Manage", Progressive Railroading, December 1995.	
EXAMINER		DATE CONSIDERED	
*EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.			

Form PTO 1449 U.S. DEPARTMENT OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE 		DOCKET NO. 3805-016-27 CIP	SERIAL NO. 10/609,377
LIST OF REFERENCES CITED BY APPLICANT (Use Several Sheets if Necessary)		APPLICANT Mark Edward KANE, et al.	
		FILING DATE July 1, 2003	GROUP ART UNIT 3661
U.S. PATENT DOCUMENTS			
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)			
BV	Judge, T., "BNSF/UP PTS Pilot Advances in Northwest", Progressive Railroading, May 1996.		
BW	Foran, P., "Train Control Quandary, Is CBTC viable? Railroads, Suppliers Hope Pilot Projects Provide Clues", Progressive Railroading, June 1997.		
BX	"PTS Would've Prevented Silver Spring Crash: NTSB", Progressive Railroading, July 1997.		
BY	Foran, P., "A 'Positive' Answer to the Interoperability Call", Progressive Railroading, September 1997.		
BZ	Foran, P., "How Safe is Safe Enough?", Progressive Railroading, October 1997.		
CA	Foran, P., "A Controlling Interest In Interoperability", Progressive Railroading, April 1998.		
CB	Derocher, Robert J., "Transit Projects Setting Pace for Train Control", Progressive Railroading, June 1998.		
CC	Kube, K., "Variations on a Theme", Progressive Railroading, December 2001.		
CD	Kube, K., "Innovation in Inches", Progressive Railroading, February 2002.		
CE	Vantuono, W., "New York Leads a Revolution", Railway Age, September 1996.		
CF	Vantuono, W., "Do you know where your train is?", Railway Age, February 1996.		
CG	Gallamore, R., "The Curtain Rises on the Next Generation", Railway Age, July 1998.		
CH	Burke, J., "How R&D is Shaping the 21st Century Railroad", Railway Age, August 1998.		
CI	Vantuono, W., "CBTC: A Maturing Technology", Third International Conference On Communications Based Train Control, Railway Age, June 1999.		
CJ	Sullivan, T., "PTC - Is FRA Pushing Too Hard?", Railway Age, August 1999.		
CK	Sullivan, T., "PTC: A Maturing Technology", Railway Age, April 2000.		
CL	Moore, W., "How CBTC Can Increase Capacity", Railway Age, April, 2001.		
CM	Vantuono, W., "CBTC: The Jury is Still Out", Railway Age, June 2001.		
CN	Vantuono, W., "New-tech Train Control Takes Off", Railway Age, May 2002.		
CO	Union Switch & Signal Intermittent Cab Signal, Bulletin 53, 1998.		
CP	GE Harris Product Sheet: "Advanced Systems for Optimizing Rail Performance" and "Advanced Products for Optimizing train Performance", undated.		
CQ	GE Harris Product Sheet: "Advanced, Satellite-Based Warning System Enhances Operating Safety", undated		
CR	Furman, E., et al., "Keeping Track of RF", GPS World, February 2001.		
CS	Walker, Publication No. US 2001/0056544 A1, December 27, 2001.		
CT	Gazit et al., Publication No. US 2002/0070879 A1, June 13, 2002.		
EXAMINER			DATE CONSIDERED
*EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.			

Form PTO 1449 U.S. DEPARTMENT OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE		DOCKET NO. 3805-016-27 CIP	SERIAL NO. 10/609,377
LIST OF REFERENCES CITED BY APPLICANT (Use Several Sheets if Necessary)		APPLICANT Mark Edward KANE, et al.	
		FILING DATE July 1, 2003	GROUP ART UNIT 3661
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)			
	CU	Kane, et al., Publication No. US2003/0225490 A1, December 4, 2003.	
	CV	Department of Transportation Federal Railroad Administration, Federal Register, Vol. 66, No. 155, pp. 42352-42396, August 10, 2001.	
	CW		
	CX		
EXAMINER			DATE CONSIDERED
*EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.			